



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 16th May, 1997:—

I

BILL NO. XXI OF 1997

A Bill to provide for the compulsory periodic repairs of highways, including national highways and roads and proper maintenance and upkeep of such highways and roads by the Central and State Governments and provisions for public utility services, ambulance and crane services at strategic points of highways and roads and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Maintenance of National Highways and Roads Act, 1997.

Short title and extent.

(2) It extends to the whole of India.

2. In this Act, unless the context otherwise requires,—

Definitions

(a) "ambulance service" means a vehicle attached with necessary first aid medical equipments and medicines and trained attendant for conveying road accident victims to the nearest hospital or medical centre;

(b) "appropriate Government" means in the case of a State the Government of that State and in all other cases the Central Government;

(c) "crane service" means heavy vehicle equipped with an appropriate machine for raising and towing away broken down vehicles on highways and roads;

(d) "prescribed" means prescribed by rules made under this Act;

(e) "public utility service" includes toilet and urinal with flush system, public telephone booths etc. to be provided on highways and roads.

Appropriate Government to undertake periodic repairs of highways and roads.

3. It shall be the duty of the appropriate Government to undertake periodical repairs of highways including national highways and roads falling within its territorial jurisdiction to enable smooth flow of traffic on such highways and roads and also to maintain and upkeep such highways and roads in such manner as may be prescribed.

Public utility services on highways and roads.

4. The appropriate Government shall provide and maintain public utility services at conspicuous places on the highways and roads falling within its territorial jurisdiction in such manner as may be prescribed.

Ambulance services.

5. The appropriate Government shall provide adequate ambulance services at such strategic points on highways and roads within its territorial jurisdiction as may be determined by the appropriate Government in this behalf to provide timely ambulance service to the road accident victims.

Crane services.

6. The appropriate Government shall provide adequate crane services on the highways and roads falling within its territorial jurisdiction in such manner as may be prescribed for towing away broken down vehicles on the highways and roads.

Central Government to provide funds.

7. The Central Government shall provide, from time to time, after due appropriation made by Parliament by law, adequate funds for securing purposes of this Act.

Central Government to compile annual report.

8. The Central Government shall prepare an annual report, in such form and in such manner as may be prescribed on the progress made by each state in implementation of the provisions of this Act and submit to it to the President who shall cause the report to be laid before each House of Parliament, as soon as may be, after it is received by him.

Savings.

9. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to make rules.

10. The Central Government may by notification in the Official Gazette make rules for carrying out the purpose of this Act.

STATEMENT OF OBJECTS AND REASONS

The national highways, highways and roads are not only essential for travelling from one place to another but in fact they are the lifelines of our economy. Majority of essential commodities and industrial products are transported from one place to another through road transport. The road transport maintains the availability of our daily necessities and strengthens the economy. But unfortunately the national highways, highways and roads are in worst conditions. They are full of potholes which cause avoidable damage to the vehicles plying on them which ultimately results in national loss. Driving vehicles, on damaged roads causes strains to the driver and vehicles consume more petroleum products which have already become scarce, not only in our country but throughout the world. Thus it is necessary to maintain and repair the highways and roads periodically to keep them in good conditions.

It has also been observed that road accident victims on roads particularly on the national highways do not get timely medical aid because they are not taken to nearby medical centres and hospitals in time. If adequate ambulance service is provided many precious lives can be saved. Similarly many vehicles break down on roads and if not removed in time they cause traffic disruption. In order to tow away the broken vehicles crane service is necessary. The public utility services are also necessarily to be provided on road and highways.

Hence this Bill.

SURESH PACHOURI

FINANCIAL MEMORANDUM

Clause 7 of the Bill provides that the Central Government shall provide adequate funds for carrying out the purposes of this Bill. The Bill, if enacted and brought into operation will involve expenditure from the Consolidated Fund of India, it is estimated that a sum of rupees one thousand crores will be required as recurring expenditure per annum from the Consolidated Fund of India.

A sum of rupees ten crores is also likely to be involved as non recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill gives power to the Central Government to make rules for carrying out the purposes of this Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

II

BILL No. XXII OF 1997

A Bill to provide for the prohibition of using images of Gods and Goddesses or founders of religions who are worshipped by their followers as trade marks particularly in harmful substances such as tobacco, tobacco products and intoxicating substances and for matters connected therewith.

BE it enacted by Parliament in the Forty-Eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Prohibition of Using Images of Gods and Goddesses as Trade Marks Act, 1997.

Short title and
extent.

(2) It extends to the whole of India.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases the Central Government;

(b) "images of Gods" include images of Goddesses and founders of various known religions who are worshipped by their followers;

(c) "package" includes any case, box, container covering, folder, receptacle, vessel, casket, bottle, wrapper, lable, band; ticket; real; frame, capsule, cap, lid, stopper and cork;

(d) "prescribed" means prescribed by rules made under this Act;

(e) "trade mark" means a mark capable of being represented graphically and which is capable of distinguishing the goods of one person from those of other in the trade circle.

Prohibition of applying images of gods as trade marks on packages.

3. No person shall, after one year of the commencement of this Act, apply images of gods as trade mark on a package which he intends to sell to any prospective consumer, dealer, or retailer in the market.

Central Government not to register a trade mark with image of God.

4. Notwithstanding anything contained in any other law for the time being in force the Central Government shall not register a trade mark based on the image of God.

Penalty.

5. Any person who contravenes the provisions of this Act shall be punishable with imprisonment for a term which shall not be less than one year but which may extend up to five years and with fine which shall not be less than fifty thousand rupees but which may extend up to two lakh rupees.

Offences by Companies.

6. If the person committing an offence under this Act is a company, the company as well as every person incharge of, and responsible to, the company for the conduct of its business at the time of the commission of the offence shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

Offences to be cognizable.

7. The offences under this Act shall be cognizable.

Power to make rules.

8. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Today in the market we find various consumer goods having trade marks of images of various Gods and Goddesses on them and people belonging to all walks of life purchase and use such goods. There is no doubt that people using these trade marks use them due to their faith in such images and with a hope that such deities will bless them and their business will prosper with that particular trade mark. However, we also find that harmful substances like tobacco, tobacco products and other intoxicating substances are also sold in the market with such trade marks. Packages of Beedi, Paan Masala, Khaini and in some rare cases bottles of liquor are sold with trade mark of images of Gods. Though the masses, in general, do not oppose such marks on these harmful substances but in the recent past we have seen fanning of religious passions and religious hatred by some fundamentalists in the country. Therefore, it is apprehended that such fundamentalists and religious fanatics may one day try to spread religious hatred on the basis of such trade marks and throw the country on communal flare up and frenzy. In order to avoid such eventuality it is necessary to prohibit the use of images of Gods and Goddesses as trade marks in the country.

Hence this Bill.

SURESH PACHOURI

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of a normal character.

III

BILL NO. XXIII OF 1997

A Bill to provide for the compulsory linking of all the villages in the country with postal and telephone services within a time frame and for matters connected therewith.

BE it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Compulsory Linking of Villages with Postal and Telegraphic Services Act, 1997

Short title.

6 of 1898.
13 of 1885.

2. In this Act unless the context otherwise requires, the words and expressions used but not defined in this Act and defined in the Indian Post Office Act, 1898 and the Indian Telegraph Act, 1885 shall have the meanings respectively assigned to them in those Acts.

Definitions.

3. The Central Government shall, within a period of three years after the commencement of this Act, establish one Post Office in each village throughout the country where no such Post Office is available for the time being with the following facilities, namely:—

Provision of
one post office
in every village.

(a) saving Bank;

(b) telegram;

(c) savings certificates particularly the Kisan Vikas Patras and Indira Vikas Patras;

(d) money order;

(e) stamp papers—both judicial and non-judicial of various denominations;

(f) postal orders and service postal orders required for applying for the UPSC and other examinations;

(g) postal articles such as envelopes, inland letters, post cards, registered letter envelopes and postal stamps;

(h) application forms of various examinations held by UPSC and other Governmental agencies and passport applications;

(i) letter box; and

(j) parcel facilities.

Telephone facilities in village.

4. The Central Government shall, within a period of three years after the commencement of this Act, provide telephone facilities in every village of the country where there is no such facility available for the time being by providing:—

(a) one charge free telephone connection with STD facility at every village Panchayat by prescribing maximum number of free ordinary and STD calls per month;

(b) at least one public telephone by constructing a booth at an appropriate place in the village after obtaining an assurance from the village Panchayat for the safety of the telephone booth and the instrument to be installed therein.

Savings of other laws.

5. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act.

Power to make rules.

6. The Central Government may, by notification in the Official Gazette make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Our country is a country of villages because nearly 80 per cent of the population resides there. For most of the villages particularly in the remote areas generally inhabited by tribals and weaker sections of the society, are neglected and extremely backward. No development work has been done at such places. They are virtually cut off from the rest of the country. Postal and telecommunication services are negligible in the villages. There are not even letter boxes in the villages what to talk of Post Offices. Similarly if the hapless poor villagers or their Panchayats want to convey their plights such as law and order problem, epidemics etc. to the authorities of the State or Central Government there is no telephone service in these villages and the cases of thefts, rapes, dacoities and outbreak of cholera, gastroenteritis epidemics are very common in these villages. The authorities and people of the country come to know about such incidents and epidemics very late when the worst is over and nothing can be done in such cases.

The non existence of postal and telecommunication services are not only creating innumerable problems for the simple villagers but the Government is also losing revenue because it could earn a lot by selling postal articles and by providing postal services in the villages. The villagers can keep their money in the Post Office Savings Banks and thereby a lot of money may be available to the Government for development works. It will also give the desired services to the villagers. Similarly, if telephone and other telecommunication services are made available in every village it will help the villagers extensively. Their innumerable problems will be solved.

It is the duty of the Central Government to provide postal and telecommunication services in the villages throughout the country as the majority of the population lives there and the country being a welfare State the Government has a moral responsibility to provide these essential services to the villages.

This Bill seeks to achieve the above objects.

SURESH PACHOURI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for establishment of a post office in all the villages. Clause 4 provides for the telephone facilities in the villages. The Bill, if enacted and brought into operation will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one hundred crores will be involved as recurring expenditure per annum.

A sum of rupees five hundred crores will also be involved as non recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of Legislative power is of normal character.

IV

BILL NO. XXV OF 1997

A Bill further to amend the Representation of the People Act, 1951.

BE it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Representation of the People (Amendment) Act, 1997.

Short title, and
commence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In section 33 of the Representation of the People Act, 1951, in sub-section (1), after the second proviso, the following proviso shall be inserted, namely:—

Amendment
of section 33
of Act 43 of
1951.

“Provided also that no nomination paper shall be delivered to and accepted by the Returning Officer unless it is subscribed by requisite number of proposers required under section 33 and is accompanied by proof of deposit of the requisite amount prescribed under section 34.

STATEMENT OF OBJECTS AND REASONS

The requisite deposit which a candidate has to make under section 34 of the Representation of the People Act, 1951 has recently been increased in the case of an election to the House of the People to rupees ten thousands and in the case of the election to the Legislative Assembly, Legislative Council and Council of States to rupees five thousands. There is also a provision in the same Act wherein for elections to Council of States and Legislative Councils, the nomination papers are required to be subscribed by ten percent of the electors of the Constituency or ten such electors whichever is less, respectively as proposers.

The main object behind these provisions is amply clear i.e. to put restriction on such candidates who file nomination papers simply for the sake of publicity and to boost their personal image without complying with above provisions of the Act thereby subverting the process of Law.

In the absence of enabling mandatory provisions in this behalf in the Representation of the People Act, 1951, flood gates are open for such nomination papers which the Returning Officers have to accept without deposits and requisite number of proposers from such candidates. Ultimately such forms are rejected in the scrutiny. In the Parliamentary form of Government the sanctity of the election Process must be upheld and maintained. Election Laws should not be used for the personal benefit of such type of publicity crazy candidates.

Hence it is necessary to insert mandatory provisions in the Representation of the People Act, 1951 for acceptance of the nomination form only when accompanied by due security deposit and requisite number of proposers.

Hence this Bill.

PROF. RAM KAPSE

V

BILL No. XXVII OF 1997

A Bill further to amend the Code of Criminal Procedure, 1973.

BE it enacted by Parliament in the Forty-eighth year of the Republic of India as follows:—

1. This Act may be called the Code of Criminal Procedure (Amendment) Act, 1997.

Short title.

2. After section 320 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the principal Act), the following section shall be inserted, namely:—

Insertion of new section 320A.

"320A. (1) Notwithstanding anything contained in this Act, the investigating officer shall also be empowered to compound offences which are compoundable under section 320 or such offences for which the punishment is imprisonment for a maximum period of seven years with or without fine.

Plea bargaining.

(2) The accused person whose offence can be compounded under sub-section (1), if pleads guilty, the investigating officer shall make a report to the Magistrate concerned who shall thereupon give effect to the compounding of the offence:

Provided that the compounding of the offences under this section shall not be made in case of habitual offenders, persons accused of social and economic offences of grave nature and in case of offences against women and children."

Insertion of new
section 432A.

3. After section 432 of the principal Act, the following section shall be inserted, namely:—

Suspension of
sentence in case
accused agrees
to pay compen-
sation to the ag-
grieved.

"432A. (1) In case of offences compoundable with the permission of the court under section 320, if the accused person pleads guilty, the court may pass an order of conviction, and suspend the sentence if the accused person agrees to pay compensation to the aggrieved party within a specified period, as may be fixed by the court.

(2) The accused person, whose sentence has been suspended under sub-section (1), if fails to pay compensation to the aggrieved party within the prescribed time, he shall have to undergo imprisonment for the offence committed by him and shall also be punished with imprisonment for a term which may extend upto two years for default in payment of compensation."

STATEMENT OF OBJECTS AND REASONS

The Law Commission has in its report to the Government recommended that the Code of Criminal Procedure should empower the investigating officer to compound offences which are compoundable at the investigation stage and make a report to the Magistrate who will give effect to the compounding of such offences. The concept of "plea bargaining" is also sought to be introduced in such cases where the offence committed is liable for punishment for a period of seven years or less. However, this plea shall not be available to habitual offenders, accused of social/economic offences of a grave nature and offences against women and children.

The Law Commission has further suggested that in order to reduce arrears of cases pending before the trial court or appellate courts in case of offences compoundable with the permission of the Court under section 320 of the Code of Criminal Procedure if the accused pleads guilty, the court may pass an order of conviction and suspend the sentence, if the accused agrees to pay the aggrieved party a compensation. If the accused however, fails to pay compensation to the aggrieved party, he will be required to undergo imprisonment for default in payment.

This Bill seeks to give effect to these recommendations of the Law Commission.

Hence this Bill.

DR. Y. LAKSHMI PRASAD

VI

BILL No. XVIII OF 1997

A Bill to provide for compulsory maintenance of spouse, minor and physically handicapped children, old parents and for the payment of monthly maintenance allowance and debar from succession in case of refusal to take care of old parents and for matters connected therewith.

BE it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

Short title and extent.

1. (1) This Act may be called the Compulsory Maintenance and care of Spouse, Children and Old Parents Act, 1997.

(2) It extends to the whole of India.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in other cases the Central Government;

9 of 1875.

(b) "minor" means a person who has not attained majority under the Indian Majority Act, 1875;

(c) "prescribed" means prescribed by rules made under this Act;

(d) "spouse" includes a woman who has been divorced by her husband or who has obtained divorce from her husband, and has not remarried or any woman who has been living with the person as his wife in the same household or separately.

3. Notwithstanding anything contained in any other law for the time being in force, no person shall neglect or refuse to maintain his spouse, minor children, child who has though attained majority but is physically or mentally handicapped or his old father or mother unable to maintain himself or herself, as the case may be.

Compulsory maintenance of spouse, children and old parents.

4. (1) In case of non compliance of the provisions of section 3 by any person, a Magistrate of the first class may, upon proof of such neglect or refusal by such person, order such person to make a monthly allowance or lumpsum payment thereof for such period as may be prescribed, for the maintenance of his spouse, child or children, father or mother, as the case may be, and to pay the same to such person as the Magistrate may from time to time direct.

Maintenance allowance for neglect or refusal to maintain and support.

(2) The Magistrate may, before making an order under sub-section (1), consider all or any of the following matters:—

(a) the average income, property including interest in joint family property and other financial resources which the person against whom an order of maintenance is sought to be passed have or is likely to have in future;

(b) the standard of living of the family;

(c) any physical or mental disability of either of the parties;

(d) the financial needs of the child or children and the manner in which such child or children, as the case may be, were being brought up and educated;

(e) any other matter which, in the circumstances, the Magistrate may consider relevant.

5. (1) Notwithstanding anything contained in any other law for the time being in force, the Magistrate shall have the power to make an order directing the respondent to pay the applicant such monthly sum or periodical payment as he may think fit during the pendency of petition of neglect or refusal to maintain in his court.

Maintenance allowance during the trial.

(2) While passing an order under sub-section (1) the Magistrate shall have the power to,—

(a) direct the respondent to deposit such amount in advance with the court as he may think fit after taking into account the facts and circumstances of the case;

(b) direct the employer of the respondent to deduct from the salary such monthly sum as he may determine and to deposit the same in the court within the period prescribed by him.

6. An order of payment of monthly maintenance allowance or lumpsum amount, as the case may be, shall not stand discharged except by actual payment or upon a settlement between the parties to the suit and after the court has recorded that the settlement is fair and voluntary.

Discharge of maintenance allowance.

7. An appeal shall lie to the concerned High Court from any order made by the Magistrate under this Act.

Appeal.

8. (1) Notwithstanding anything contained in any other law for the time being in force, any person who neglects or refuses to take care and maintain his old parents shall cease to be the legal heir of such parents and lose his succession right and in case he has

Ceasation of right to succession.

succeeded them and inherited their property, he shall return back the ownership and title of such property to his parents.

(2) It shall be the duty of the appropriate Government to execute the provisions of sub-section (1) in such manner as may be prescribed.

Penalty.

9. If any person who is ordered to pay maintenance allowance under this Act by a Magistrate fails without sufficient reasons to comply with the order, any such Magistrate may, for every breach of the order, issue a warrant for levying the amount due in the manner provided for levying fines under the code of Criminal Procedure, 1973 and may sentence such person, for the whole or any part of such months for which allowance remaining unpaid after the execution of the warrant, to imprisonment for a term which may extend to one month or until payment or maintenance allowance is made. 2 of 1974.

Power to
remove
difficulties.

10. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, do anything not inconsistent with such provisions which appears to him to be necessary or expedient for the purpose of removing the difficulty.

Overriding
effect of the
Act.

11. Any order made and any other action taken under this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law or in any instrument having effect by virtue of any other law, but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force in any part of the country.

Power to make
rules.

12. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Parents, whether rich or poor, do their best to bring up their children and establish them in their lives. They give their children best to eat, wear and other comforts of life according to their capacity and provide them the best education possible. In many cases the parents incur heavy debts or pawn their land and dwelling house for providing higher education to their children with the hope that after standing of their own the children will help them to repay their loans or redeem their property. But unfortunately when the son is settled in life, he starts neglecting his parents and particularly so when he acquires family. He not only refuses to maintain them but in many cases throws them out from the house. By that time the parents become old and weak and if they do not have a roof of their own and a permanent source of income, their position becomes pitiable. They have to fend for themselves and face the onslaught of age, diseases and harsh realities of life. In many cases, they are forced to beg for subsistence. At some places, old age homes have been set up but very few old persons can be taken care of there and majority of them are left uncared for.

Although it is customary in our society to look after our old parents and get their blessings but today it is not so in most of the cases. The values and morals have changed entirely. The children do not show any hitch in succeeding and acquiring assets of their parents but do not show any interest in taking care of them thereafter. This needs to be stopped and it should be made mandatory for the children to look after their parents or face consequences.

Similarly wives and children are also deserted for variety of reasons and they have to face immense hardships thereafter. This tendency too has to be curbed through legislation.

Of late society is realising the need of such a legislation and recently Himachal Pradesh has come out with such a legislation covering the old persons of the State alone. However it is felt that the law is required at the national level.

Hence this Bill.

SAROJ KHAPARDE

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

VII

BILL NO. XIX OF 1997

A Bill to provide for the payment of old age allowance by the Union and State Governments to the senior citizens who are unable to maintain themselves at the fag end of their lives and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Forty-eighth year of the Republic of India as follows:—

1. (1) This act may be called the Old Age Allowance Act, 1997.

Short title and
extent.

(2) It extends to the whole of India.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State and in other cases, the Central Government and it includes public undertakings.

(b) "prescribed" means prescribed by rules made under this Act.

(c) "senior citizen" means any citizen who has attained the age of sixty years or more and has no independent and adequate source of livelihood.

3. (1) The appropriate Government shall, on an application made in the prescribed form, pay old age allowance to every senior citizen at the rate of one thousand rupee per mensem from the date of commencement of this Act.

(2) The allowance payable under sub-section (1) shall be subject to alteration on the basis of prevailing price index as may be determined by the Central Government in consultation with the Governments of the States from time to time.

(3) The old age allowance payable under this Act shall be paid to the senior citizens by the appropriate Government in such manner as may be prescribed by the Central Government.

(4) Every senior citizen who is in receipt of pension from the appropriate Government or having adequate source of income shall not be eligible for old age allowance under this Act.

4. The Central Government shall, after due appropriation made by law by Parliament in this behalf, provide adequate funds at the disposal of the State Governments and Union Territory administrations to meet the expenditure incurred by them in the implementation of this Act.

5. (1) After the end of every financial year, every State Government shall, as soon as may be, submit a report about the implementation of this Act to the Central Government in such manner as may be prescribed.

(2) The Central Government shall cause the reports received from the Governments of the States alongwith its own report laid before each House of Parliament.

6. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Appropriate Government to pay old age allowance to senior citizens.

Central Government to provide funds for the purposes of the Act.

Annual Reports.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

At present there are crores of senior citizens in our country and their number is increasing day by day because of the availability of medicare and increase in the life expectancy of the people. Although it is customary in our society to look after the aged parents particularly by the sons but in many cases the economic conditions of the children of such citizens are such that it is not possible support their parents. As such the majority of the senior citizens have to fend for themselves. Quite a large number of them are unable to take care of themselves because they do not have any permanent source of income or because they suffer from some chronic ailment or infirmity. Such senior citizens live in hunger and are left uncared for.

Our country being a welfare State is bound to provide social security to such senior citizens who are penniless and infirm. Though some state Governments are giving meagre old age pension and in some places some old age homes have been established but these are like a drop in the ocean. As such it is proposed that the needy senior citizen should at least be given one thousand rupees as allowance so that the senior citizen may not remain hungry. This allowance should be revised with the rise in the price index. Since the States can not meet the entire expenditure on this count, it is proposed that the Central Government should bear the costs of the implementation of this Bill.

Hence this Bill.

SAROJ KHAPARDE

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that the Central Government shall provide adequate funds at the disposal of the State Governments and Union Territories to meet the expenditure in the implementation of this Act. The Bill if enacted and brought into force will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one thousand crores per annum as recurring expenditure.

No non recurring expenditure is likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. The rules will relate to matters of details only. The delegation of legislative power is therefore of normal character.

VIII

BILL NO. XX OF 1997

A Bill to provide for the deterrent punishment for and prevention of falsely claiming the solemnisation of marriage with a citizen with the intention of maligning him or her or to get cheap publicity out of that claim or by abusing the process of law or to be successor of a deceased citizen with intention to inherit his wealth or property or to blackmail the family of the deceased or to be the father or mother of a citizen to get publicity or blackmail through such claim and for matters connected therewith.

BE it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Prevention of False Claim of Marriage, Succession and Parenthood Act, 1997.

Short title and
extent.

(2) It extends to the whole of India and also applies to all the citizens of India outside India.

Penalty for
false claim of
marriage,
succession and
parenthood.

2. Notwithstanding anything contained in the Indian Penal Code, 1860 or any other law for the time being in force, whosoever,—

45 of 1860.

(a) falsely claims the solemnisation of a marriage with other citizen or claims to be the legal husband or wife of a citizen, as the case may be, shall be punishable with imprisonment which shall not be less than seven years but which may extend to life imprisonment and also with fine which may extend to one lakh rupees;

(b) falsely claims to be the successor of a deceased citizen shall be punishable with imprisonment which may extend to five years and with fine which may extend to fifty thousand rupees;

(c) falsely claims to be the father or mother, as the case may be, of a citizen shall be punishable with imprisonment which may extend to three years and also with fine which may extend to fifty thousand rupees.

Overriding
effect of Act.

3. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, but save as aforesaid, the provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to such matters.